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Case No. N0186US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

MICHAEL V. SHUMAN, ET AL.

Serial No.: 10/798,632

Filing Date: March 11, 2004

For: GEOGRAPHIC AREA
TEMPLATES FOR
COMPUTER GAMES

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) Examiner: Masud Ahmed

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) Group Art Unit: 3717
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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

Appellants file this Reply Brief in response to the Examiner's Answer mailed November 26, 2010. The headings in this Reply Brief correspond to the headings in the Appeal Brief to which Appellants' responses are directed. Appellants are also filing a Request for Oral Hearing with this Reply Brief.

1. The Examiner Erred in Rejecting claims 42-47, 51-64, 66-72, and 74-78 as being obvious in view of Houston, et al. (U.S. 6,146,143), Halt, et al. (U.S. 6,343,301, and Lechner (U.S. 2003/0059743)).

Regarding the feature of transforming data representing the real-world locale into data representing an imaginary geographic locale to form a template geographic database in the independent claims, the Examiner asserted that Lechner teaches a terrain model designer can acquire data from third parties and the requested data is limited to data the designer, pilot, and other personnel have appropriate clearance towards. (Examiner's Answer, page 5). However, Lechner really states, "For many of these sources, however, the terrain model designer must complete and submit appropriate documents requesting the terrain source data and, in some instances, must provide proof that the terrain model designer as well as the pilots and other personnel who will have access to the terrain source data have appropriate clearances to access and view the terrain source data." (Lechner, paragraph [0007], lines 8-14). The Examiner also asserted that the requested information is further limited to only a certain radial distance along a mission route of a real world locale. (Examiner's Answer, page 5). This is related to what Lechner (paragraph [0003], lines 1-3) describes as, "Once the pilot has defined the mission route, a terrain model designer determines the area for which terrain source data will be required."

The Examiner uses this type of language to claim that the requested data is limited and that the boundaries of the requested data misrepresent the real world. (Examiner's Answer, page 6). Specifically, the Examiner states that "[a] person using the simulator to travel through a virtual Time Square is experiencing an imaginary geographic locale since borders or boundaries prevent them from travelling outside of Time Square." (Examiner's Answer, page 6). Even if,

for argument sake, the language of Lechner allows for such an interpretation of bounded data, there is still no teaching or suggestion of transforming data representing a real-world locale into data representing an imaginary locale. Just because a model of a geographic area is bounded or limited, it does not make that model imaginary. All it does is makes it correspond to a limited or bounded geographic area, which still represents the real world. Limited or bounded is not the same as imaginary.

The Examiner further states that a simulated environment is a virtual environment that does not represent the real-world. (Examiner's Answer, page 12). If one uses that philosophy, then nothing is the real-world. For example, when one uses his or her eyes to see the world, his/her brain creates a virtual image of the world, and so what her/she is actually viewing is a virtual reality and not the real world. Such interpretations go beyond valid or practical claim analysis. There is data that represents the real-world (even if the data is limited), and then there is data that represents fictitious or imaginary worlds. The point is that the cited references do not disclose or suggest transforming data representing a real-world locale into data that represents an imaginary geographic locale.

Furthermore, in regards to independent claim 76, there is no mention or suggestion of transforming data representing a real-world road network structure from the source geographic database to form a template geographic database, wherein the template geographic database contains data representing an imaginary road network structure, wherein said step of transforming includes at least one of modifying of the positions of the roads and changing the street names of the roads.

2. The Examiner Erred in Rejecting claims 48-50, 65, 73, and 79-80 as being obvious in view of Huston, et al., Lechner, and Graf, et al. (U.S. 4,645,459)

As mentioned above, the cited references do not teach the transformation feature, and there are dependent claims with further limitations regarding the transformation feature that are not taught or suggested as well. For example, dependent claims 50, 65, and 73 recite features regarding transformation of rich specific navigation data, such as road segment data records. Specifically, claim 65 recites, *inter alia*, "wherein transforming comprises applying an operation selected from the set consisting of: altering a location of a road segment, moving locations of road segments by varying distances, switching a relative vertical ordering of road segments that cross one another at different elevations, and performing horizontal or rotational transformations of locations of road segments."

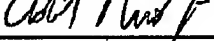
Strangely, the Examiner does not reject these dependent claims using Halt, et al. (which describes a navigation geographic database) that was used to reject the very independent claims these claims depend upon. Accordingly, the references used to reject these dependent claims do not even mention specific navigation attributes or data, such as road segment data, let alone transforming such data by applying at least one of the recited operations. The Examiner relies on Graf, et al. stating that Graf, et al. disclose that a scene can consist of roads of different widths and shaped in any direction the user or computer sees fit since either the computer or a manual operator create the scenes. (Examiner's Answer, page 10). However, creating a scene from scratch by using different components is not the same as transforming data, such as a plurality of road segments, representing a real world locale into data representing an imaginary geographic locale to form a template geographic database. Just because someone can create a scene, does

not mean a real-world locale data structure has been transformed into an imaginary locale data structure. Graf, et al. do disclose changing a stored image in terms of perspective or view, such as from a normal straight-on perspective, (Graf, et al., column 8, lines 15-20), but that is not the same as altering a location of a road segment or switching an ordering of roads to transform data representing a real world locale to data representing an imaginary locale.

For at least the foregoing reasons, together with those set forth in Appellants' Appeal Brief, Appellants respectfully submit that the rejections are in error and request reversal of the rejections and allowance of all pending claims in this application.

Respectfully submitted,

Date: January 21, 2011

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